

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Case No. 11-58953

MICHAEL E. McINERNEY,

Chapter 7

Debtor.

Judge Thomas J. Tucker

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ORDER DENYING MOTION FOR RECONSIDERATION

This case is before the Court on the motion entitled “Motion for Reconsideration of Court's December 24, 2014 ‘Order Denying the Chapter 7 Trustee's Motion for Approval of Settlement with the Ackerman Defendants,’” filed January 5, 2015 (Docket # 681, the "Motion").

The Court finds that the Motion fails to demonstrate a palpable defect by which the Court and the parties have been misled, and that a different disposition of the case must result from a correction thereof. *See* Local Rule 9024-1(a)(3).

The Court further finds that the allegations in the Motion do not establish any valid ground for relief from the Court's December 24, 2014 Order denying the Trustee's settlement motion (Docket # 680).

In addition, the Court notes the following, regarding the alleged “Palpable Defect 2” argued in the Motion's supporting brief. In its December 24, 2014 opinion, the Court did consider the Movants' alleged “other concessions” that were part of the Trustee's proposed settlement (regarding the Movants' claims other than the Ackerman firm's claim for a quantum meruit fee and expenses for its work done on the Becker matter). And as the Court stated in its opinion, “[t]he Trustee has not demonstrated the basis or explained the reasoning for these components of the proposed settlement.” (Opinion (Docket # 679) at 16 n.14).

Before the Court's December 24, 2014 ruling on the Trustee's settlement motion, and even afterwards to date, neither the Trustee nor the Movants explained or demonstrated the basis or reasoning for the Movants' alleged concessions regarding their *other* claims, or that any part of such concessions was causally related in any way to the amount of the Becker-related, quantum meruit fee and expense component of the proposed settlement.¹

For these reasons,

¹ And in any event, it is too late to do so after the Court has ruled, in a reconsideration motion. *See generally In re Madison Heights Group, LLC*, 506 B.R. 734, 736 (Bankr. E.D. Mich. 2014) (arguments made for the first time in a reconsideration motion are deemed to have been waived).

IT IS ORDERED that the Motion (Docket # 681) is denied.

Signed on January 10, 2015

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge